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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 JOSEPH L. HOLLAND,

8 Plaintiff,

9 v.

10 CITY OF SEATTLE , *et al.*,

11 Defendants.

Case No. C17-0170-RSM-MAT

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

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13 This is a civil rights action proceeding under 42 U.S.C. § 1983. This matter comes before
14 the Court at the present time on plaintiff's motion for appointment of counsel. The Court, having
15 reviewed plaintiff's motion, and the balance of the record, hereby finds and ORDERS as follows:

16 (1) Plaintiff's motion for appointment of counsel (Dkt. 12) is DENIED. There is no
17 right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court,
18 under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma*
19 *pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789
20 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe*
21 *v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an
22 evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate
23 his claims pro se in light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

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1 While the Court has determined that plaintiff's amended complaint is deficient and must
2 therefore be amended if he wishes to proceed with this action, plaintiff gives no indication that he
3 lacks the ability to articulate his claims *pro se*. As for plaintiff's likelihood of success on the merits
4 of his claims, the record is not yet sufficiently developed for this Court to make such a
5 determination. Based on the information available to the Court at this juncture, this Court must
6 conclude that plaintiff has not demonstrated that his case involves exceptional circumstances
7 which warrant the appointment of counsel.

8 (2) The Clerk is directed to send copies of this Order to plaintiff and to the Honorable
9 Ricardo S. Martinez.

10 DATED this 26th day of June, 2017.

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13 Mary Alice Theiler
14 United States Magistrate Judge
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